

UNITED STATES DISTRICT COURT JAN 10 2017

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America)

v.)

Jesus Angel MAGANA-Torres)
AKA: David Alejandro RIOS-Torres)
YOB: 1994)
COB: Mexico)

Case No.

M-17-0057-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 9, 2017 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(5)(A)

Offense Description

Knowingly and unlawfully, being an alien, illegally or unlawfully in the United States, shipped or transported in interstate or foreign commerce, or possessed in or affecting commerce, to wit: one (1) 7.62X39mm semi-automatic AK-47-type rifle (Serial Number: AC 0054306), one (1) 7.62X39mm rifle magazine, and approximately 8,177 rounds of 7.62X39mm ammunition.

This criminal complaint is based on these facts:

See "Attachement A"

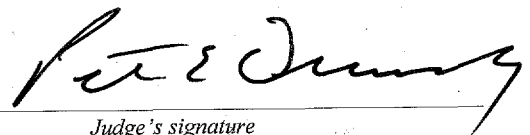
☒ Continued on the attached sheet.Approved by AUSA D. PAXTON
DUP 1/10/17

Complainant's signature

Gerardo Mercado, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/10/2017 9:15 am

Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On January 9, 2017, Homeland Security Investigations McAllen, Texas (HSI McAllen) Special Agents (SAs) and HSI Task Force Officers (TFOs) assigned to HSI McAllen were conducting surveillance at a residence located in McAllen, Texas, associated with individuals suspected of being involved in the illegal export of defense articles and smuggling activities. During surveillance, HSI Agents were able to observe two individuals enter a red Ford Escape (hereinafter referred to as: **Target Vehicle 1**) and drive to a sporting goods store located in McAllen, Texas. At the store, HSI Agents observed the two individuals purchase a large quantity of ammunition and load the ammunition into **Target Vehicle 1**.

HSI Agents followed **Target Vehicle 1** to a parking lot at a public park located in McAllen, Texas. Shortly after, HSI Agents observed a black single cab Chevrolet pickup truck (hereinafter referred to as: **Target Vehicle 2**) make contact with the occupants of **Target Vehicle 1** in the parking lot. HSI Agents observed both drivers communicate with one another and subsequently depart the parking lot with both target vehicles in tandem. HSI Agents followed **Target Vehicles 1 and 2** to an inconspicuous alleyway near an apartment complex in McAllen, Texas, where HSI Agents observed both vehicles park next to each other. After several minutes, **Target Vehicles 1 and 2** departed the area and HSI Agents followed **Target Vehicle 2** to the Mission, Texas area.

Subsequently, HSI Agents requested assistance from Mission Police Department Officers (MPDOs) with intercepting **Target Vehicle 2** for further investigation. A MPDO observed and made contact with **Target Vehicle 2** as it drove into the driveway of a residence (hereinafter referred to as: **Target Residence**) in Mission, Texas. The MPDOs made contact with the driver,

ATTACHMENT A

later identified as Jesus Angel MAGANA-Torres, and sole occupant of **Target Vehicle 2**.

MAGANA initially presented MPDOs a fraudulent Mexican driver's license from the State of Tamaulipas depicting his photograph and his assumed name of David Alejandro RIOS-Torres. During the encounter, MPDOs were able to observe several cases of ammunition in plain view on the passenger side of **Target Vehicle 2**.

HSI Agents joined MPDOs and conducted a field interview of MAGANA. MAGANA freely admitted to being in the United States illegally without proper immigration documents allowing him to enter or remain in the United States legally. MAGANA admitted to recently obtaining the ammunition, approximately 3,120 rounds of 7.62X39mm ammunition, found within **Target Vehicle 2**. MAGANA stated he lived at the **Target Residence** and stated that there were additional cases of ammunition and a firearm being stored inside the **Target Residence**. MAGANA granted HSI Agents and MPDOs verbal and written consent to search the **Target Residence**.

During the search of the **Target Residence**, HSI Agents discovered and recovered approximately 5,057 rounds of 7.62X39mm ammunition, one (1) 7.62X39mm semi-automatic AK-47-type rifle (Serial Number: AC 0054306), one (1) 7.62X39mm rifle magazine, and approximately \$100,955.00 in U.S. currency from the **Target Residence**.

On January 10, 2017, your affiant contacted Alcohol, Tobacco, Firearms and Explosives (ATF) SA Carlos Delgado, who is recognized expert in the interstate and foreign commerce travel of firearms and ammunition. Based on the information your affiant provided SA Delgado about the

ATTACHMENT A

ammunition and firearm possessed by MAGANA. SA Delgado stated that the firearm and ammunition were manufactured outside of the State of Texas and therefore, previously traveled in the interstate or foreign commerce at some time prior to being possessed by any person in the State of Texas.